



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Inspection Services - Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner  
Paul L. Scarlett, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** August 11, 2015  
**To:** Interested Person  
**From:** Puja Bhutani, Land Use Services  
503-823-7226 / [Puja.Bhutani@portlandoregon.gov](mailto:Puja.Bhutani@portlandoregon.gov)

## **NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has **approved** a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

### **CASE FILE NUMBER: LU 15-180087 HR – WINDOW REPLACEMENT**

#### **GENERAL INFORMATION**

**Applicant:** Edward Radulescu / EPR Design LLC  
919 NE 19th Ave Suite 155 / Portland OR 97232

**Site Address:** 2415 NE 17TH AVENUE  
**Legal Description:** BLOCK 51 LOT 4, IRVINGTON  
**Tax Account No.:** R420411110  
**State ID No.:** 1N1E26DB 07000  
**Quarter Section:** 2832  
**Neighborhood:** Irvington, contact Dean Gisvold at 503-284-3885.  
**Business District:** North-Northeast Business Assoc, contact Joice Taylor at 503-841-5032.

**District Coalition:** Northeast Coalition of Neighborhoods, contact [info@necoalition.org](mailto:info@necoalition.org)  
**Other Designations:** Contributing Resource in Irvington Historic District  
**Zoning:** R5, Single-Dwelling Residential, 5000  
**Case Type:** HR, Historic Resource Review  
**Procedure:** Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

#### **Proposal:**

The applicant is proposing the following exterior alterations:

- Replacement of five non original windows on the rear and north side elevations on the second floor of the subject house. The replacement windows will be custom made wood windows, in the same style and appearance as the original windows on the house. The existing wood trim around the windows will be preserved and reused.

Historic design review is required because the proposal is for non-exempt exterior alteration of a contributing structure in the Irvington Historic District.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33.

The relevant approval criteria are:

- 33.846 Historic Resource Review
- 33.846.060.G Other Approval Criteria

**ANALYSIS**

**Site and Vicinity:** The subject property is oriented west and fronts on to NE 17<sup>th</sup> Avenue. A contributing structure in the Irvington Historic District, it was constructed in 1909 in the foursquare craftsmen style tradition. The 2.5 storey house is located on a block with many other contributing resources, primarily single family dwellings.

The Irvington Historic District was platted in 1887 and was one of the first subdivisions in Portland to employ restrictive covenants, including uniform setbacks, minimum construction expenditures, the exclusion of minorities and the exclusion of non-residential uses. The few non-residential uses allowed at the interior of the district were required to be designed to resemble residential buildings. Development of the neighborhood spread slowly from the south east corner toward the northeast, following the patterns of streetcar development, first along NE Broadway, followed by extensions north into the neighborhood. As the restrictive covenants expired, more commercial development occurred at the edge of the subdivision along NE Broadway through conversion of residential properties and new development. The district comprises an eclectic assortment of late 19<sup>th</sup> and early 20<sup>th</sup> century architectural styles, including Queen Anne, Craftsman, and Period Revival styles. Garages built during the period of significance were either built at the same time as the associated residences for the later developments, or were later additions to the earlier residences, and were most commonly located at the rear or front of the property.

**Zoning:** The Residential 5,000 (R5) single-dwelling zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing. Minimum lot size is 3,000 square feet, with minimum width and depth dimensions of 36 and 50 feet, respectively. Minimum densities are based on lot size and street configuration. Maximum densities are 1 lot per 5,000 square feet of site area.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

**Land Use History:** City records indicate there are no prior land use reviews for this site.

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **July 22, 2015**. No agency response was required.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **July 22, 2015**. One written response has been received from the Neighborhood Association or notified property owners in response to the proposal.

- Dean Gisvold, ICA Land Use Committee, July 31, 2015, no objections.

**ZONING CODE APPROVAL CRITERIA****Chapter 33.846.060 - Historic Design Review****Purpose of Historic Design Review**

Historic Design Review ensures the conservation and enhancement of the special characteristics of historic resources.

### **Historic Design Review Approval Criteria**

Requests for historic design review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

**Findings:** The site is within the Irvington Historic District and the proposal is for non-exempt treatment. Therefore Historic Design Review approval is required. The approval criteria are those listed in *33.846.060 G – Other Approval Criteria*.

*Staff has considered all guidelines and addressed only those applicable to this proposal.*

### **33.846.060 G - Other Approval Criteria**

- 1. Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.
- 2. Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.
- 7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.
- 9. Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.

**Findings 1,2,7 & 9:** The proposal includes no removal or replacement of any historical material on the resource; therefore, the essential form and integrity of the resource will remain intact. The proposal is to remove non-original windows which are aluminum and replace them with high quality wood windows. The proposed custom milled wood windows will closely replicate the original windows in their profile, shadow lines and material. The proposal retains the historic character of the resource and as such remains a record of its time. *These criteria are therefore met.*

- 8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.
- 10. Hierarchy of compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

**Findings 8 & 10:** The exterior alterations will not affect any character defining feature of the house. There are no changes being proposed to the contributing house's form, roofline or the building footprint. There are no original windows being removed. The proposal to replace five (5) non original aluminum windows on the rear and north second floor elevations, with historically appropriate, custom wood windows will be an enhancement. The original window opening will be maintained and existing trim around the windows will be kept intact and reused for the new windows. The original shadow lines and exterior siding window trim, details and all existing architectural elements will remain. The proposed exterior alterations will be an enhancement and compatible with the existing historic character and architectural features of the house, adjacent properties and the rest of the district. *These criteria are therefore met.*

## DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## CONCLUSIONS

The proposed wood windows will replace existing aluminum non original windows, and will be more compatible in terms of materials with the historic character of the house, neighborhood and district. The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

## ADMINISTRATIVE DECISION

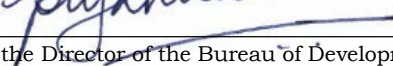
Approval of alterations to an existing contributing house in the Irvington Historic District including :

- Replacement of five non original windows with custom wood windows on the rear and north side elevations on the second floor of the subject house. The existing wood trim around the windows to be preserved and reused.

Approved per the approved site plans, Exhibits C-1 through C-6, signed and dated 8/6/2015, subject to the following conditions:

- As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-180087 HR."

**Staff Planner: Puja Bhutani**

**Decision rendered by:**  **on August 6, 2015**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: August 11, 2015**

**Procedural Information.** The application for this land use review was submitted on June 3, 2015, and was determined to be complete on July 10, 2015.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on June 3, 2015.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined

the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**This decision, and any conditions associated with it, is final.** It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

**Recording the final decision.**

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **August 11, 2015**. The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder’s office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034. For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-7617.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

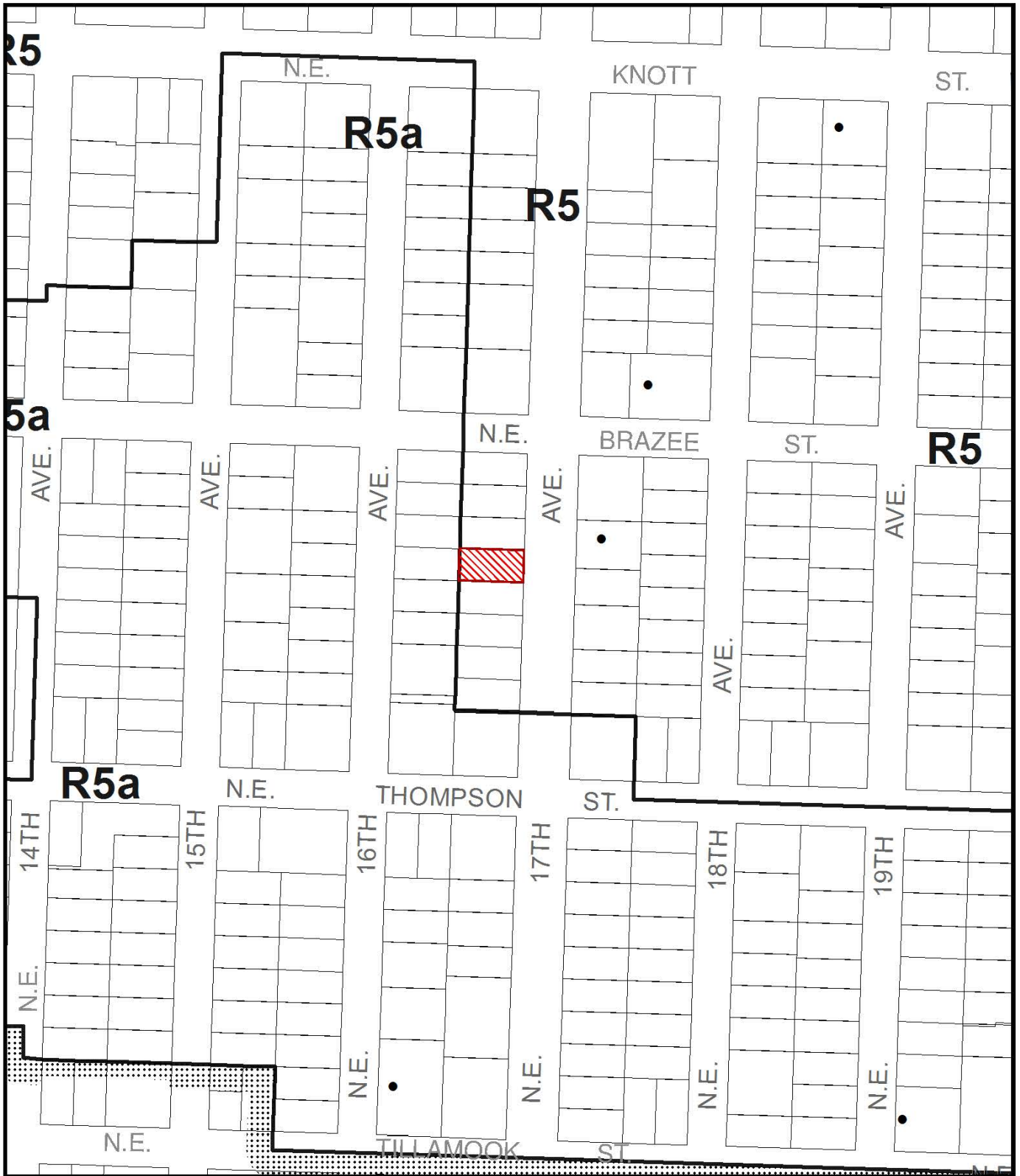
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  1. Original Narrative with photos of existing conditions.
  2. Revised Narrative with photographs
  3. Original Window Section before revisions- NOT APPROVED/ reference only.
  4. Chosen Wood Windows Maintenance Estimate
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Site Plan (attached)
  2. Building Elevations (attached)
  3. Basement/Main level floor plan
  4. Upper/ Attic level floor plan
  5. Typical existing and New Window Section (Revised 7/6/2015)
  6. General Notes Sheet.
- D. Notification information:
  1. Mailing list
  2. Mailed notice
- E. Agency Responses: No responses were required.
- F. Correspondence:
  1. Dean Gisvold, ICA Land Use Committee, July 31, 2015, no objections.
- G. Other:
  1. Original LU Application
  2. Incomplete Letter
  3. Oregon Historic Site Record

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



# ZONING



Site



Historic Landmark



NORTH

This site lies within the:  
**IRVINGTON HISTORIC DISTRICT**

File No. LU 15-180087 HR

1/4 Section 2832

Scale 1 inch = 200 feet

State\_Id 1N1E26DB 7000

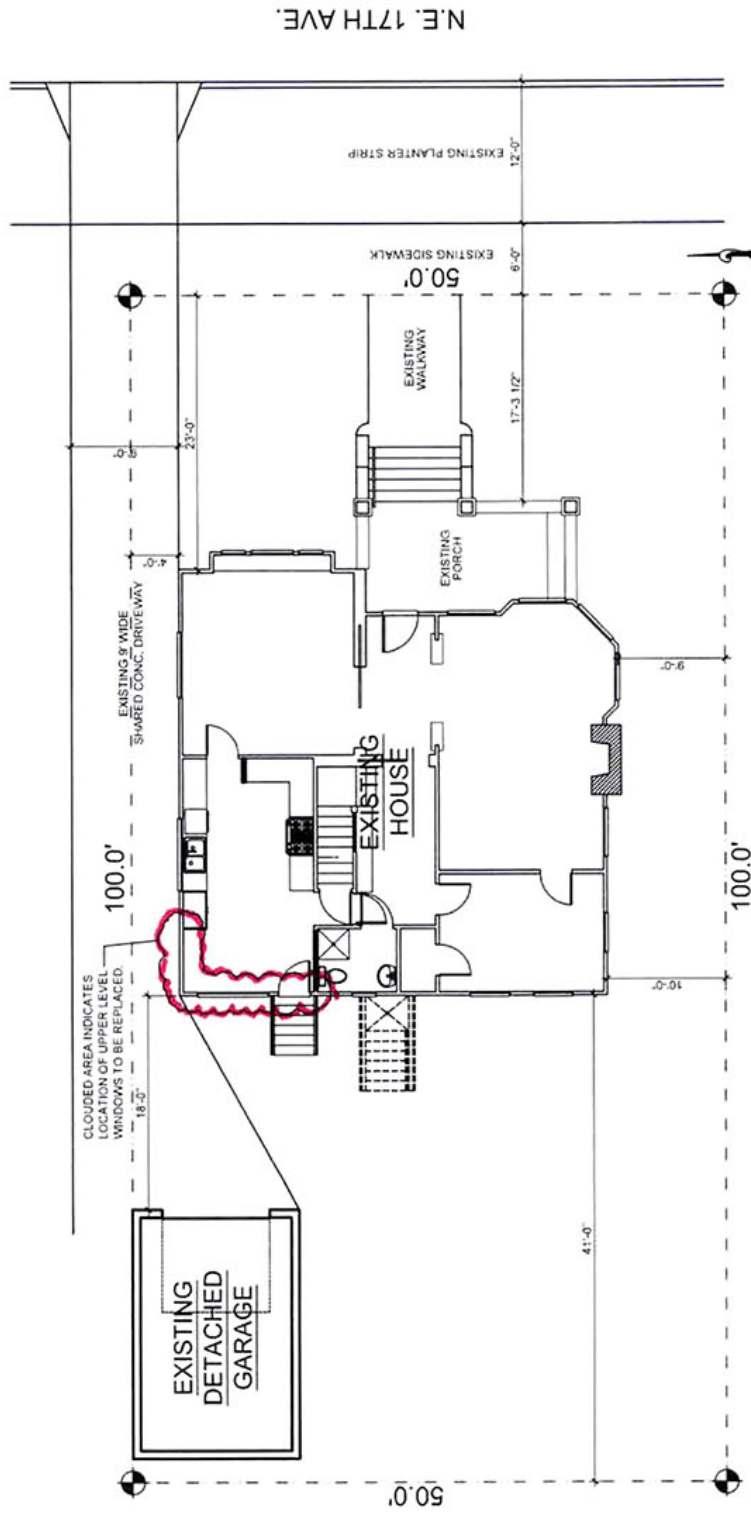
Exhibit B (Jun 05,2015)



818 NE 17th Ave, Suite 105  
 Portland, Oregon 97212  
 503-265-8461 PH  
 design@eprdesign.com  
 www.eprdesign.com

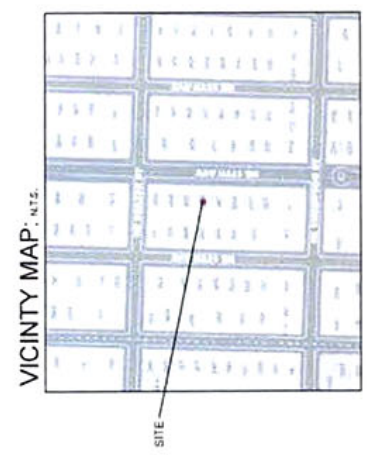
NE 17th. Ave. Remodel  
 2415 NE 17th Ave  
 Portland, Oregon 97212  
 R188351

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 Federal Law by EPR DESIGN, INC.



A SITE PLAN  
 CS SCALE: 3/32"=1'-0"

PROJECT ADDRESS:  
 2415 NE 17TH AVE  
 PORTLAND, OR, 97212  
 R188351  
 IRVINGTON HISTORIC DISTRICT



SITE PLAN NOTES:  
 1. NO PROPOSED MODIFICATIONS TO BUILDING FOOTPRINT, SETBACKS, LOT COVERAGE, LANDSCAPING, PAVING OR BUILDING HEIGHT.  
 2. REPLACE APPROX. 75 SF OF WINDOW AREA WITH NEW WINDOWS ON THE NORTHWEST SIDE OF THE SECOND STORY TO MATCH EXISTING HOUSE.  
 3. REQUIRED LAND USE REVIEWS:  
 - TYPE HISTORIC RESOURCE REVIEW FOR ALTERATIONS TO FACADES LESS THAN OR EQUAL TO 1959 HISTORIC AREA.

**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner P. Burrows  
 Date 8/6/2015  
 REVIEWED BY \_\_\_\_\_  
 DATE 8/1/2015

TRFET

\* This approval applies only to the CS reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Exhibit C1  
 LW 15-180087 HR

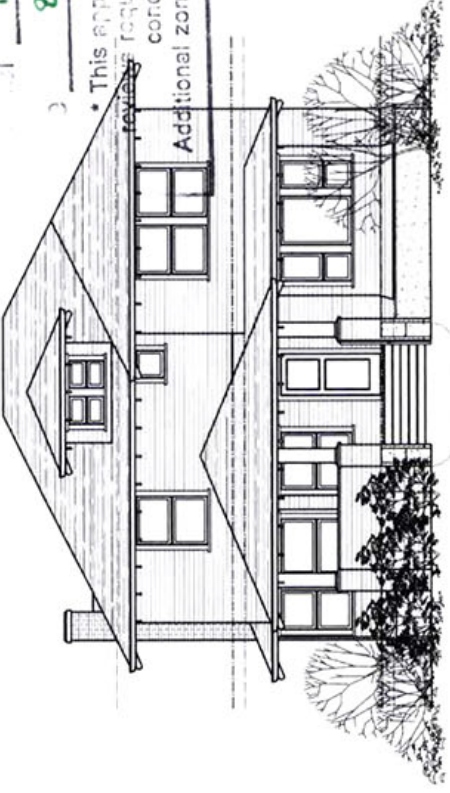


**\*Approved\***  
City of Portland

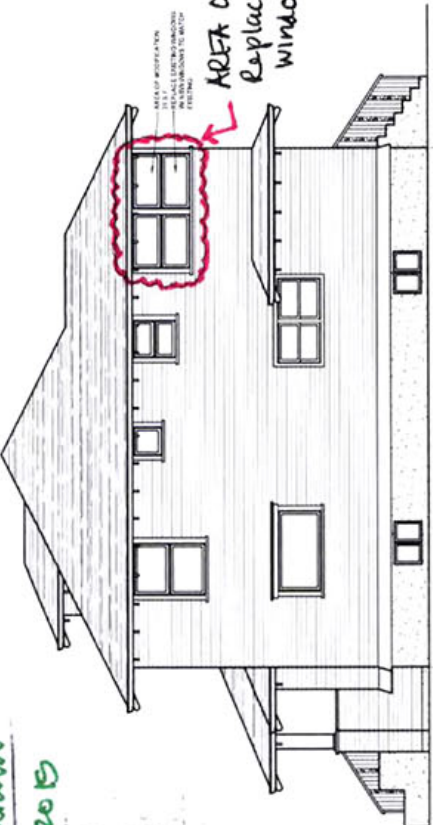
Development Services

P. Burman  
8/16/2015

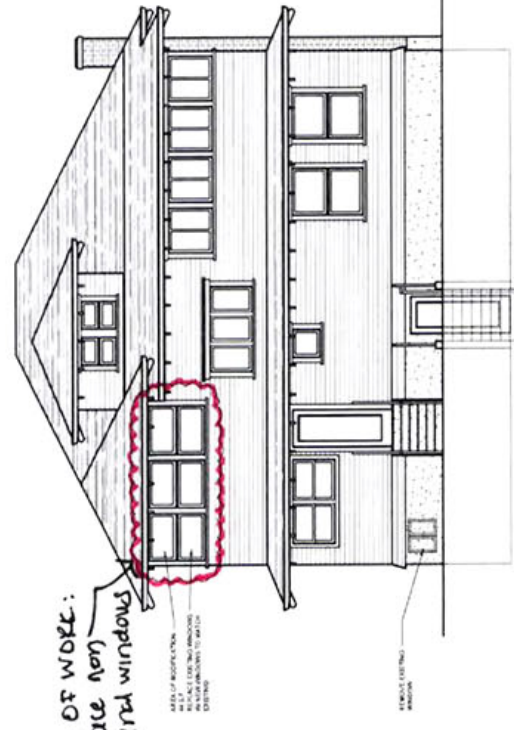
This approval is  
granted on the condition that  
the applicant comply with all  
additional zoning requirements.



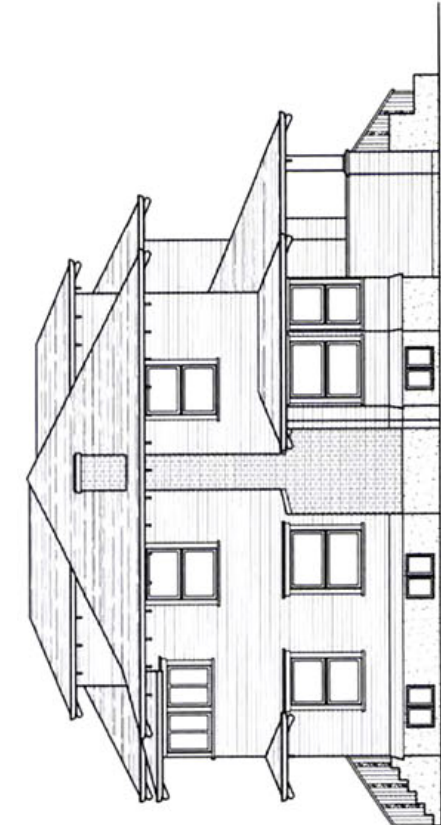
A FRONT ELEVATION (NO CHANGE)  
SCALE 1/4" = 1'-0"



B RIGHT SIDE ELEVATION  
SCALE 1/4" = 1'-0"



C REAR ELEVATION  
SCALE 1/4" = 1'-0"



D LEFT SIDE ELEVATION (NO CHANGE)  
SCALE 1/4" = 1'-0"

**epr**  
DESIGN

878 NE 17th Ave. Suite 155  
Portland, Oregon 97232  
503-555-6461 PH  
design@epdesign.com  
www.epdesign.com

**AREA OF WORK:**  
Replace non-original  
windows

NE 17th. Ave. Remodel  
2415 NE 17th Ave.  
Portland, Oregon 97212  
R188351

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**BUILDING  
ELEVATIONS**  
REVISED  
DATED 8/1/2015  
DRAWN BY

SHEET  
**A1**

AREA OF WORK:  
replace non  
original windows

Exhibit C2  
LU 15-180087 HR